

315 U. S.

Decisions Granting Certiorari.

DECISIONS GRANTING CERTIORARI, FROM
JANUARY 6, 1942, THROUGH MARCH 30, 1942.

No. 782. *SKINNER v. OKLAHOMA EX REL. WILLIAMSON, ATTORNEY GENERAL.* January 12, 1942. Petition for writ of certiorari to the Supreme Court of Oklahoma granted. *Messrs. W. J. Hulsey and Heba I. Aston* for petitioner. Reported below: 189 Okla. 235, 115 P. 2d 123.

No. 814. *STATE TAX COMMISSION OF UTAH v. ALDRICH ET AL., ADMINISTRATORS.* January 12, 1942. Petition for writ of certiorari to the Supreme Court of Utah granted. *Mr. J. Lambert Gibson* for petitioner. *Mr. Henry G. Gray* for respondents. Reported below: 116 P. 2d 923.

No. 775. *WILMINGTON TRUST CO., EXECUTOR, v. HELVERING, COMMISSIONER OF INTERNAL REVENUE.* January 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted, limited to the question whether the Circuit Court of Appeals should have set aside the findings of the Board of Tax Appeals relating to question 1 (a) of the petition for writ of certiorari. *Mr. Wm. S. Potter* for petitioner. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. J. Louis Monarch and Morton K. Rothschild* for respondent. Reported below: 124 F. 2d 156.

No. 774. *NATIONAL LABOR RELATIONS BOARD v. NEVADA CONSOLIDATED COPPER CORP.* January 19, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit granted. *Solicitor General Fahy and Mr. Robert B. Watts* for petitioner. *Messrs. C. C. Parsons and H. M. Fennemore* for respondent.

No. 832. *SEAGO, ADMINISTRATRIX, v. NEW YORK CENTRAL RAILROAD CO.* See *ante*, p. 781.

No. 799. *UNITED STATES v. JOHNSON*; and

No. 800. *UNITED STATES v. SOMMERS ET AL.* February 2, 1942. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. MR. JUSTICE MURPHY and MR. JUSTICE JACKSON took no part in the consideration and decision of this application. *Solicitor General Fahy, Assistant Attorney General Clark, and Messrs. Arnold Raum, J. Louis Monarch, Gordon B. Tweedy, and Earl C. Crouter* for the United States. *Messrs. Floyd E. Thompson and William J. Dempsey* for respondent in No. 799; and *Mr. John Elliott Byrne* for respondents in No. 800. Reported below: 123 F. 2d 111.

No. 798. *SIOUX TRIBE OF INDIANS v. UNITED STATES.* February 9, 1942. Petition for writ of certiorari to the Court of Claims granted. *Messrs. Ralph H. Case, James S. Y. Ivins, and Richard B. Barker* for petitioner. *Solicitor General Fahy and Messrs. Roger P. Marquis and Archibald Cox* for the United States. Reported below: 94 Ct. Cls. 150.

No. 826. *FEDERAL TRADE COMMISSION v. RALADAM COMPANY.* February 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Sixth Circuit granted. *Solicitor General Fahy* for petitioner. *Mr. Rockwell T. Gust* for respondent. Reported below: 123 F. 2d 34.

No. 841. *REEVES v. BEARDALL, EXECUTOR.* February 9, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Dan-*

315 U.S.

Decisions Granting Certiorari.

iel Burke for petitioner. *Messrs. Charles R. Scott* and *Charles P. Dickinson* for respondent.

No. 848. *STEWART ET AL. v. UNITED STATES*. February 16, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Ninth Circuit granted. *Messrs. J. M. Mannon, Jr., A. Crawford Greene*, and *Robert L. Lipman* for petitioners. *Solicitor General Fahy, Assistant Attorney General Littell*, and *Messrs. Oscar A. Pro-vost, H. G. Ingraham*, and *Philip Buettner* for the United States. Reported below: 121 F. 2d 705.

No. 830. *SEMINOLE NATION v. UNITED STATES*. February 16, 1942. Petition for writ of certiorari to the Court of Claims granted. *Messrs. Paul M. Niebell, C. Maurice Weidemeyer*, and *W. W. Pryor* for petitioner. *Solicitor General Fahy* and *Assistant Attorney General Littell* for the United States. Reported below: 94 Ct. Cls. 240.

No. 837. *BETTS v. BRADY, WARDEN*. February 16, 1942. Petition for writ of certiorari to Carroll T. Bond, a Judge of the State of Maryland, being a judge of the Court of Appeals of Maryland from the City of Baltimore, granted. Counsel are requested on the argument of this case to discuss the jurisdiction of this Court, particularly (1) whether the decision below is that of a court within the meaning of § 237 of the Judicial Code, and (2) whether state remedies, either by appeal or by application to other judges or any other state court, have been exhausted. *Messrs. William L. Marbury, Jr.* and *Jesse Slingluff, Jr.* for petitioner. *Mr. William C. Walsh*, Attorney General of Maryland, for respondent.

No. 939. *OVERNIGHT MOTOR TRANSPORTATION CO., INC. v. MISSEL*. February 16, 1942. Petition for writ

of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. The motion of respondent for leave to proceed further *in forma pauperis* is also granted. *Messrs. John R. Norris and J. Ninian Beall* for petitioner. *Messrs. W. Hamilton Whiteford, William O. Tydings, and George A. Mahone* for respondent. Reported below: 126 F. 2d 98.

No. 872. *GEORGIA v. EVANS ET AL.* March 2, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit granted. *Mr. Ellis Arnall*, Attorney General of Georgia, for petitioner. *Messrs. Hal Lindsay, Felix T. Smith, B. B. Taylor, Barry Wright, Allen Post, and Marion Smith* for respondents. Reported below: 123 F. 2d 57.

No. 910. *A. B. KIRSCHBAUM CO. v. FLEMING, ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, U. S. DEPARTMENT OF LABOR.* March 2, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit granted. *Messrs. Wm. Clark Mason and Frederick H. Knight* for petitioner. *Solicitor General Fahy* and *Warner W. Gardner* for respondent. Reported below: 124 F. 2d 567.

No. 845. *UNITED STATES v. CONSUMERS PAPER CO.* March 2, 1942. Petition for writ of certiorari to the Court of Claims granted. *Solicitor General Fahy* for petitioner. *Messrs. Fred B. Rhodes and Robert F. Klepinger* for respondent. Reported below: 94 Ct. Cls. 713.

No. 924. *ARSENAL BUILDING CORP. ET AL. v. FLEMING, ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, U. S. DEPARTMENT OF LABOR.* March 2, 1942. Petition for writ

315 U. S.

Decisions Granting Certiorari.

of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Messrs. Walter Gordon Merritt and Kenneth C. Newman* for petitioners. *Solicitor General Fahy and Mr. Warner W. Gardner* for respondent. Reported below: 125 F. 2d 278.

No. 805. *CUDAHY PACKING Co. v. HOLLAND, ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, U. S. DEPT. OF LABOR.* See *ante*, p. 785.

No. 903. *PEYTON v. RAILWAY EXPRESS AGENCY, INC. ET AL.* March 9, 1942. The motion for leave to proceed *in forma pauperis* is granted. The petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit is also granted. *Robert L. Peyton, pro se.* *Messrs. Harry S. Marx and Charles C. Evans* for respondents. Reported below: 124 F. 2d 430.

No. 913. *AMERICAN CHICLE Co. v. UNITED STATES.* March 9, 1942. Petition for writ of certiorari to the Court of Claims granted. *Mr. Erwin N. Griswold* for petitioner. *Solicitor General Fahy* for the United States. Reported below: 94 Ct. Cls. 699, 21 F. Supp. 537.

No. 644. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. CEMENT INVESTORS, INC.;*

No. 645. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. JAMES Q. NEWTON TRUST;* and

No. 646. *HELVERING, COMMISSIONER OF INTERNAL REVENUE, v. NEWTON.* See *post*, p. 825.

No. 314. *BOWDEN ET AL. v. CITY OF FORT SMITH.* March 16, 1942. The order denying certiorari, 314 U. S.

651, is vacated and the petition for writ of certiorari to the Supreme Court of Arkansas is granted. *Messrs. Joseph F. Rutherford and Hayden Covington* for petitioners. Reported below: 202 Ark. 614, 151 S. W. 2d 1000.

No. 947. MAGRUDER, COLLECTOR OF INTERNAL REVENUE, *v. SUPPLEE ET UX.* March 16, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fourth Circuit granted. *Solicitor General Fahy* for petitioner. *Messrs. Nathan J. Felsenberg and James M. Hoffa* for respondents. Reported below: 123 F. 2d 399.

No. 948. MARINE HARBOR PROPERTIES, INC. *v. MANUFACTURERS TRUST CO. (SUCCESSOR TO MORTGAGE CORPORATION OF NEW YORK), TRUSTEE, ET AL.* March 16, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit granted. *Mr. Arthur E. Friedland* for petitioner. *Solicitor General Fahy* and *Messrs. Richard H. Demuth, Chester T. Lane, Martin Riger, and Homer Kripke* for the Securities & Exchange Commission; *Mr. Harold L. Smith* for the Manufacturers Trust Co., Trustee; and *Mr. Harold Stern* for Mortimer Rubenstein, Foreclosure Receiver, respondents. Reported below: 125 F. 2d 296.

No. 499. MEMPHIS NATURAL GAS CO. *v. BEELER, ATTORNEY GENERAL OF TENNESSEE, ET AL.* See *ante*, p. 649.

No. 920. STATE BANK OF HARDINSBURG *v. BROWN ET AL.* March 30, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Telford B. Orbison* for petitioner. *Messrs. Samuel E. Cook and Ulysses E. Lesh* for respondents. Reported below: 124 F. 2d 701.

315 U. S.

Decisions Granting Certiorari.

Nos. 958 and 959. *PFISTER v. NORTHERN ILLINOIS FINANCE CORP. ET AL.* March 30, 1942. Petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit granted. *Mr. Elmer McClain* for petitioner. *Mr. John K. Newhall* for respondents. Reported below: 123 F. 2d 543.

No. 979. *WILLIAMS ET AL. v. NORTH CAROLINA.* March 30, 1942. Petition for writ of certiorari to the Supreme Court of North Carolina granted. *Mr. W. H. Strickland* for petitioners. *Messrs. Harry McMullan*, Attorney General of North Carolina, and *T. W. Bruton*, Assistant Attorney General, for respondent. Reported below: 220 N. C. 445, 17 S. E. 2d 769.

No. 980. *RIGGS, SPECIAL GUARDIAN, v. DEL DRAGO ET AL.* March 30, 1942. Petition for writ of certiorari to the Surrogate's Court, New York County, New York, granted. *Messrs. John W. Davis* and *Otis T. Bradley* for petitioner. *Messrs. Henry Cohen* and *Ludwig M. Wilson* for Giovanni Del Drago et al., and *Messrs. Joseph C. Thomson* and *Littleton Fox* for Byron Clark, Jr., Executor, respondents. *Messrs. John J. Bennett, Jr.*, Attorney General of New York, and *Henry Epstein*, Solicitor General, filed a brief on behalf of the State of New York, as *amicus curiae*, in support of the petition. Reported below: 287 N. Y. 61, 764, 38 N. E. 2d 131, 40 N. E. 2d 46.

No. 964. *WASHINGTON TERMINAL CO. v. BOSWELL ET AL.* March 30, 1942. Petition for writ of certiorari to the Court of Appeals for the District of Columbia granted. In view of the act of August 24, 1937 (c. 754, 50 Stat. 751), the Court hereby certifies to the Attorney General of the United States that the constitutionality of the Railway

Labor Act is drawn in question in this cause. *Messrs. John Dickinson* and *Guy W. Knight* for petitioner. Reported below: 124 F. 2d 235.

DECISIONS DENYING CERTIORARI, FROM JANUARY 6, 1942, THROUGH MARCH 30, 1942.

No. 787. *RALSTON v. COX, U. S. MARSHAL.* January 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Fifth Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. J. Frank Kemp* for petitioner. *Solicitor General Fahy, Assistant Attorney General Berge*, and *Mr. Oscar A. Provost* for respondent. Reported below: 123 F. 2d 196.

No. 788. *SHOTKIN ET AL. v. BEIDLER ET AL.* January 12, 1942. Petition for writ of certiorari to the Circuit Court of Appeals for the Third Circuit, and motion for leave to proceed further *in forma pauperis*, denied. *Joseph Shotkin pro se.*

No. 793. *BARWICK v. ROBERTS, COMMISSIONER OF AGRICULTURE, ET AL.* January 12, 1942. Petition for writ of certiorari to the Supreme Court of Georgia, and motion for leave to proceed further *in forma pauperis*, denied. *Mr. Young H. Fraser* for petitioner. Reported below: 192 Ga. 783, 16 S. E. 2d 867.

No. 796. *JACKSON v. O'GRADY, WARDEN.* January 12, 1942. Petition for writ of certiorari to the Supreme Court of Nebraska, and motion for leave to proceed further *in forma pauperis*, denied. *James E. Jackson, pro se.* *Messrs. Walter R. Johnson and C. S. Beck* for respondent.